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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,733

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James A. Proctor JR.

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EXAMINER

HALIYUR, VENKATESH N

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

11/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Supplemental  
Notice of Allowability**

Application No.

09/997,733

Examiner

VENKATESH HALIYUR

Applicant(s)

PROCTOR, JAMES A.

Art Unit

2419

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 08/11/2008.
2. ☒ The allowed claim(s) is/are 60-62,64-70,73-75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 10/10/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2419

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aneesh A Mehta (Reg No: 61,937) on 09/09/2008.

The application has been amended as follows:

**In claims:**

Claims 60, 63, 68,71,72,73 have been amended to recite as below,

Claim 60: A base station comprising:

an antenna; and

a controller configured to at least one code division multiple access (CDMA) transceiver such that a CDMA connection with at least one CDMA user device is established, a CDMA control channel is established, data is received over the allocable code channels wherein the code channels are divided in time by radio

frames that are further subdivided into sub-frames, code channels are allocated on a sub-frame basis to support the received data wherein the allocation of code channels includes adding and removing code channels assigned to the at least one CDMA user device, and the CDMA connection is maintained with the at least one CDMA user device when code channels are not allocated to the at least one CDMA user device, wherein the CDMA control channel enables the code channels to be reallocated without reestablishing a code phase lock over the CDMA connection when data is not being received from the at least one CDMA user device.

Claim 63 (Canceled).

Claim 68: A method for use in a base station for communicating data between the base station and at least one code division multiple access (CDMA) user device, the method comprising:

- establishing a CDMA connection between the base station and the CDMA user device;

- establishing a CDMA control channel between the base station and the CDMA user device, wherein the CDMA control channel enables the code channels to be reallocated without reestablishing a code phase lock over the CDMA connection;

receiving data from the CDMA user device over allocable code channels, wherein the code channels are divided in time by radio frames that are further divided into sub-frames; allocating the code channels on a sub-frame basis to support the transmitted data wherein the allocation of code channels includes adding and removing code channels assigned to the CDMA user device, wherein the code channels are allocated on an as-needed basis, with the number of allocable code channels being variable during the duration of a communication session; and

maintaining the CDMA connection with the CDMA user device when code channels are not allocated to the CDMA user device.

Claim 71 (Canceled).

Claim 72 (Canceled).

Claim 73: The method of claim ~~72~~ 68 wherein an initially assigned code channel is deallocated when data is not being received from the at least one CDMA user device.

2. The following is an examiner's statement of reasons for allowance:

Claims 60-62, 64-70, 73-75 are allowed over prior art.

Claims 1-59, 63, 71, 72 are canceled.

The prior art fails to teach and render obvious the features as claimed in independent claims,

In claims 60, 68:

“wherein the CDMA control channel enables the code channels to be reallocated without reestablishing a code phase lock over the CDMA connection;”

“allocating the code channels on a sub-frame basis to support the transmitted data wherein the allocation of code channels includes adding and removing code channels assigned to the CDMA user device, wherein the code channels are allocated on an as-needed basis, with the number of allocable code channels being variable during the duration of a communication session.”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatesh Haliyur whose telephone number is 571-272-8616. The examiner can normally be reached on Monday thru Friday 8:30AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Venkatesh Haliyur/

Examiner, Art Unit 2419

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419